

WEDNESDAY, November 26, 1851.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Bigelow presented the petition of William Smith, sheriff of Starr county; read, and referred to the committee on Finance.

Mr. Bogart presented the petition of Joseph F. Morse, praying for land; referred to the committee on Private Land Claims.

Mr. Dancy presented the petition of sundry citizens of Brownsville; referred to the committee on the Judiciary.

Mr. Scott presented the petition of sundry citizens of the State, praying for an appropriation of \$2,500, to be applied to cleaning out the Sabine river; referred to the committee on Internal Improvements.

Mr. Taylor, chairman of the committee on Private Land Claims, to whom was referred the petition of William Cummins, Robert T. Hughes and Reuben Crawford, reported a bill for their relief, which was read first time.

Mr. Taylor, from the same committee, to which was referred a bill for the relief of John Powers, reported the same back, and recommended its passage.

Mr. Burks made the following report:

The undersigned, a member of your committee on Public Lands, feels constrained, under his construction of justice, to dissent from the report of the majority of the said committee, upon an act to amend the fourth section of an act for the relief of the citizens of Mercer's colony, which bill has for its object to give the right to the citizens of said colony to locate their certificates on any vacant lands within the State. This, to the undersigned seems unjust, from the fact that other persons coming to the State at the same time, were not entitled to lands, save those who chanced to locate and settle within the colony, and it would seem unjust to suffer the right proposed by the bill, by allowing the colonists greater benefits than they were entitled to under the colony contract. Respectfully,

J. H. BURKS.

Mr. Eddy, from the committee on State Affairs, made the following report:

The committee on State Affairs, to whom was referred a joint resolution, instructing our Senators, and requesting our Representatives in the Congress of the United States to pro-

cure the establishment of a mail route from Sabine Pass to the town of Jefferson, in Cass county, having considered the present deranged state for the transportation of the mails from New Orleans, to eastern Texas, since the navigation of Red River cannot at all times be depended upon; that several of the most populous counties in the east, were for weeks without any mail during the past summer; that a mail route as contemplated, from the Gulf of Mexico, to Jefferson, in Cass county, on the head waters of Lake Caddo, and passing in a northwardly direction, will pass through eight densely populated counties. The facts as above considered, the committee have instructed me to report favorably thereon; and recommend its passage.

Mr. Truit, chairman of the committee on Roads, Bridges and Ferries, to whom was referred a bill to authorize David Hill to build a bridge across the Sabine river, reported the same back, with the following amendments, and recommend their adoption and the passage of the bill:

Amendments.—In the 1st section, in the 15th line from the bottom, after the word "Hill," insert the words "or the owners of the lands on the opposite side of said river, or both."

In 2nd line from the bottom, after the word "commissioners," insert "and all costs incurred by said appointment."

Mr. Merriman made the following report:

The Special committee, to whom was referred the petition of Virginia Hutchinson, late the widow of Robert Riddle, dec'd., find from the certificate of James B. Shaw, Comptroller, that evidence exists in the Comptroller's office, showing that Sam Ricker, jr., acting for Thomas Toby, agent for the late Republic of Texas, in New Orleans, did, in 1837, sell to Robert Riddle, land script amounting to Eleven thousand eight hundred and forty acres. It further appeared in evidence from the certificate of the commissioner of the general land office, before the committee, that no script claims in the name of Robert Riddle, have been returned to that office.

The committee are of opinion, from said evidence, and other evidence before them, that the petitioner is entitled to the relief asked, and have instructed me to report the accompanying bill, and recommend its passage:

A bill to authorize the Comptroller of the State of Texas to issue duplicates of land script to the heirs of Robert Riddle, dec'd; read first time.

Mr. Truit, chairman of the committee on Roads, Bridges and Ferries, to whom was referred, a bill to grant a ferry privilege

to H. L. Brook, reported the same back and recommended its passage.

Mr. Reaves made the following report :

The committee on Engrossed Bills, to whom was referred a bill authorizing the Treasurer to pay to John A. Greer, guardian of J. A. Greer, jr., monies deposited by the probate court of Grimes county.

A bill for the relief of John A. Veatch, his heirs or assigns, assignee of Ramon Sanchez.

A bill supplementary to an act regulating fees of office.

A bill for the relief of the heirs of John W. Tilden.

A bill for the relief of the heirs of Shadrack Coody, dec'd.

A bill for the relief of the heirs of Edward B. Wood, and

A bill for the relief of the heirs of Sally Owens, dec'd. beg leave to report that they have had the said several bills under consideration, and find them correctly engrossed.

Mr. Burleson offered the following resolution :

Resolved, That the committee on Printing be instructed to enquire into the expediency of abolishing the contract made by said committee under an order of the Senate, with the printers for the enormous number of papers that the former contract authorizes.

Mr. Armstrong introduced a bill the better to define the limits of the Milam land district; read first time.

Mr. Gray introduced a bill to fix the time for the biennial meeting of the Legislature; read first time.

Mr. Eddy moved that Mr. Parker be added to the committee on Judicial Districts—lost.

Mr. Grimes offered the following resolution :

Resolved, That the committee on the Penitentiary be instructed to enquire into the propriety of so amending the act to establish a State Penitentiary, as to make it the duty of the clerks of district courts to notify the superintendant whenever any person shall be sentenced to the penitentiary by the courts of his county; and to require the superintendant, upon such notice, to send a sufficient number of his guards with the means necessary for securing such convict or convicts, and conducting them to the Penitentiary; and that they be requested to report by bill or otherwise.

Mr. Hill offered the following resolution :

Resolved, That the committee on Finance be instructed to enquire into the expediency of so amending the laws defining the time of closing the annual accounts of the Comptroller and other officers of the State Treasury, as to require them to close

on the last day of August or September, instead of the last day of October, as at present, and report by bill or otherwise.

ORDERS OF THE DAY.

A message was received from the House, informing the Senate that the House had passed the following bills, to wit:

A bill to incorporate the town of Clarksville.

A bill to admit Joseph A. W. Everitt, Samuel A. Wilson and Harman A. Perryman to practise law in the several courts of this State.

A bill to incorporate the Clarksville and Red River Turnpike Company.

A bill giving damages upon protested drafts and bills of exchange.

A bill to repeal the 24th section of an act concerning crimes and punishments, approved 20th March, 1848,—and

A bill to incorporate the town of Quitman, which were severally read first time.

The following bills were severally read a third time, and passed, to wit:

A bill for the relief of the heirs of Shadrick Coody, dec'd.

A bill for the relief of the heirs of John W. Tilden.

A bill supplementary to an act regulating fees of office.

A bill to authorize the Treasurer to pay to John A. Greer, guardian of the minor, J. A. Greer, jr., monies deposited by the county court of Grimes county.

A bill for the relief of the heirs of Edward B. Wood, and

A bill for the relief of the heirs of Sally Owens, dec'd.

The report of the committee on Private Land Claims, on the petition of John H. Hyde, recommending that the prayer of the petitioner be not granted, was read and adopted.

The report of the committee on the Judiciary, recommending that a bill to amend the 4th section of an act to regulate the descent and distribution of intestate's estates, be indefinitely postponed, was read and adopted.

The report of the committee on Public Lands, on a bill to amend the 4th section of an act for the relief of the citizens of Mercer's Colony; read, and, on motion of Mr. Hart, the report and bill were laid upon the table.

The report of the committee on the Judiciary, on a bill to authorize the commissioner of the general land office to issue patents on land certificates issued by the supreme or district courts, was read and adopted.

The report of the committee on State Affairs, on a bill to

provide the mode of changing a person's name, together with the report of the committee on State Affairs offering amendments thereto, was read; amendments adopted, and, on motion of Mr. Gray, the bill was indefinitely postponed.

The report of the committee on Printing, on a bill to amend an act regulating the public printing, was read. On motion of Mr. Dancy, the report of the committee was amended by striking out after the word "representatives," the words "immediately after their adoption," and after the word "to," the words "furnish a copy and to."

Mr. Dancy moved to amend the report by striking out the words "and fifteen hundred copies of the decisions of the supreme court," upon which the yeas and nays were as follows:

YEAS—Messrs. Dancy, Davis, Eddy, Grimes, Hart, Hill, Reaves, Truit and Wilson—9.

NAYS—Messrs. Armstrong, Bigelow, Bogart, Burks, Day, Doan, Gray, Merriman, Parker, Scott, Sterne, Taylor and Williams—13. Lost.

On motion of Mr. Armstrong, the vote just taken was reconsidered. The question again recurred on the amendment offered by Mr. Dancy, and rejected by the following vote:

YEAS—Messrs. Armstrong, Dancy, Davis, Eddy, Grimes, Hart, Hill, Reaves, Truit and Wilson—10.

NAYS—Messrs. Bigelow, Bogart, Burks, Day, Doan, Gray, Merriman, Parker, Scott, Sterne, Taylor and Williams—12.

The report of the committee was then adopted, and, on motion of Mr. Dancy, the bill was re-referred to the committee on Printing.

On motion of Mr. Sterne, the Senate adjourned until 3 o'clock p. m.

3 O'CLOCK, P. M.

Senate met—roll—called—quorum present.

Mr. Taylor introduced a bill for the relief of A. F. Holcomb; read first time.

A bill for the relief of John A. Veatch, his heirs or assigns, assignee of Ramon Sanchez; read third time and passed.

A bill to permit Mary Madison to remain in this State; read. Mr. Dancy moved to amend the bill by inserting before "this State," the words "the county of Galveston, in."—Adopted! bill was then passed to a third reading by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Burks, Burleson, Dancy, Gray, Grimes, Merriman, Reaves, Scott, Sterne, Truit, Williams and Wilson—15.

NAYS—Messrs. Davis, Day, Eddy, and Taylor—4.

A bill for the relief of Philip Evans, read second time, and passed to a third reading.

Mr. Burleson, chairman of the committee on the Militia, to whom was referred the resolution of the Senate, requiring that committee to enquire into the propriety of abolishing the Adjutant General's office, reported a bill to abolish the office of Adjutant General, and to provide for the transfer of the documents and records pertaining thereto, to the land office; read first time.

The report of the committee on the Judiciary, on the resolution requiring that committee to enquire into the expediency of amending the criminal law so as to abolish capital punishment; read, and, on motion of Mr. Dancy, laid on the table.

A bill to create the counties of Cameron, Starr and Webb into separate land districts; read, and ordered to be engrossed.

The report of the committee on Public Lands, on a joint resolution for the relief of James Pratt Plummer; read, and, on motion of Mr. Sterne, report and joint resolution laid on the table.

The report of the committee on Public Lands, on a bill for the relief of such persons as have emigrated to Texas under the provisions of an act of the Republic of Texas, granting lands to emigrants, was read, and, on motion of Mr. Bogart, report laid on the table, and bill referred to the committee on the Judiciary.

A bill for the relief of Penelope Newsom, daughter and heir of Robert Conn, dec'd; read, and, on motion of Mr. Burks, laid on the table until to-morrow.

The report of the committee on Claims and Accounts, on the petition of Francis Ramsdale; read, and, on motion of Mr. Scott, laid on the table.

The report of the committee on Public Lands, on a bill to authorise the commissioner of the general land office to issue patents in certain cases; read, and, on motion of Mr. Davis, report and bill laid on the table.

A bill for the relief of Theresa Tyler; read and ordered to be engrossed.

A bill to authorize assessors and collectors to employ deputies, read second time, and, on motion of Mr. Day, referred to the committee on Finance.

A bill to incorporate the People's line of Gulf Steamers; read first time.

Mr. Wilson moved to suspend the constitutional rule requir-

ing bills to be read on three several days, upon which the yeas and nays were as follows:

YEAS—Messrs. Bigelow, Bogart, Davis, Day, Eddy, Gray, Hart, Merriman, Reaves, Scott, Sterne, Taylor, Truit, Williams and Wilson—15.

NAYS—Messrs. Armstrong, Burks, Dancy, Grimes and Hill—5. Lost, four-fifths not voting for it.

On motion of Mr. Reaves, the Senate adjourned until 10 o'clock to-morrow morning.

THURSDAY, November 27, 1851.

The Senate was called to order by the President, pursuant to adjournment—roll called—quorum present—prayer by the Rev. Mr. Smith—the journal of yesterday was read and adopted.

Mr. Bigelow presented the petition of sundry citizens of Brownsville; referred to the committee on the Judiciary.

Mr. Hill presented the petition of Allensworth Adams; referred to the committee on State Affairs.

Mr. Sterne presented papers relating to the claim of John S. Roberts for land; referred to the committee on Private Land Claims.

Mr. Day, from the committee on Private Land Claims, to whom was referred the petition of Humphrey T. Chappell, reported a bill for his relief, which was read first time.

Mr. Taylor, from the same committee, submitted the following counter report:

The undersigned, a member of the committee on Private Land Claims, differing with the majority of said committee in their report upon the petition of Humphrey T. Chappell, asks leave to make this counter report.

In the first place, Mr. Chappell admits in his petition that his headright certificate was not recommended by the travelling Board of Land Commissioners; that he has fulfilled the requirements of the second section of the eleventh article of the Constitution, which requires suit to be brought in the district court upon such cases by a certain time. The petitioner complains that he is not likely to get a trial soon in the court, and he therefore prays the legislature for relief in the premises. The undersigned is of opinion that the Legislature has no right to interfere in cases which the Constitution has pointed out the